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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/086,533   | 03/04/2002  | Matthew J. Sherman   | 2685/5867           | 9572             |
| 23838  | 7590        | 11/17/2005           | EXAMINER            |                  |
| KENYON & KENYON<br>1500 K STREET NW<br>SUITE 700<br>WASHINGTON, DC 20005 |             |                      | MURPHY, RHONDA L    |                  |
|  |             | ART UNIT             | PAPER NUMBER        |                  |
|  |             | 2667                 |                     |                  |

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/086,533             | SHERMAN, MATTHEW J. |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Rhonda Murphy          | 2667                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 June 2002 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/28/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Bridgelall (US 6,895,255).

**Regarding claim 1,** Bridgelall teaches a method for spoofing stations while transmitting data through a medium using a first standard (col. 1, lines 52-61), the method comprising: setting a duration value to a value other than a time period for a predetermined subsequent message transmission (col. 5, lines 20-29); and sending a signal containing the duration value to an address already in use by a second standard (col. 5, lines 20-29), wherein at least one of the stations is an obeying station that updates a network allocation vector in accordance with the duration value (col. 5, lines 25-29).

**Regarding claim 2,** Bridgelall teaches a method wherein the first standard is an 802.11 standard (col. 3, lines 16-19).

**Regarding claim 5,** Bridgelall teaches a method wherein the duration value represents a time period for suppressing transmissions by the obeying station (col. 5, lines 22-29).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3, 6 – 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridgelall (US 6,895,255).

**Regarding claims 3 and 13,** Bridgelall teaches a method comprising a second standard and the address is used for suppressing transmission in the second standard (col. 5, lines 30-39).

Although Bridgelall fails to disclose the second standard as an 802.3 standard, Bridgelall discloses interconnection to a wired network (col. 3, lines 27-30).

In view of this, it would have been obvious to include 802.3 as a second standard, since 802.3 is a standard for LAN and some applications for WAN, which would represent Bridgelall's wired network for communicating between the devices and units.

**Regarding claim 6,** Bridgelall teaches a method wherein transmissions of a particular protocol type are given preferential use of the medium when transmissions of the obeying station are suppressed (col. 5, lines 25-42).

Bridgelall fails to explicitly disclose giving unknown protocols preferential use of the medium when the transmissions by the obeying station are suppressed.

However, it would have been obvious to one skilled in the art to give unknown protocols preferential use of the medium when the transmissions by the obeying station are suppressed, since unknown protocols are protocols types that would be utilized when obeying stations are suppressed.

**Regarding claim 7,** Bridgelall teaches a method wherein transmissions of a particular station (mobile unit 10) are given preferential use of the medium when the transmissions by the obeying station are suppressed (col. 5, lines 14-18).

Bridgelall fails to explicitly disclose giving hidden stations preferential use of the medium when the transmissions by the obeying station are suppressed.

However, it would have been obvious to one skilled in the art to give hidden stations preferential use of the medium, since hidden stations are particular stations that utilize the medium when obeying stations are suppressed.

**Regarding claim 8,** Bridgelall teaches a method wherein critical transmissions are given preferential use of the medium when the transmissions by the obeying station are suppressed (col. 5, lines 14-18; wherein critical transmissions are transmissions from mobile devices).

**Regarding claim 9,** Bridgelall teaches a method wherein at least some of the stations are provided in an overlapping basic service set (Fig. 3, Bluetooth piconet 110), and particular stations are given preferential use of the medium when the transmissions by the obeying station are suppressed (col. 5, lines 14-18).

Bridgelall fails to explicitly disclose giving overlapping stations preferential use of the medium when the transmissions by the obeying station are suppressed.

However, it would have been obvious to one skilled in the art to give overlapping stations preferential use of the medium, since an overlapping station are stations that utilize the medium when obeying stations are suppressed.

**Regarding claim 10,** Bridgelall teaches a method wherein stations of an enhanced version of a standard are given preferential use of the medium when the transmissions by the obeying station are suppressed (col. 5, lines 14-18; wherein the enhanced version is 802.11).

**Regarding claim 11,** Bridgelall teaches the same limitations described above in the rejection of claim 1. Although not explicitly taught, it is known in the art for machine-readable medium to store executable instructions, for the purpose of processing the functions described above in claim 1.

**Regarding claim 12,** Bridgelall teaches the first standard as an 802.11 standard (col. 3, lines 16-19).

**Regarding claim 15,** Bridgelall teaches the duration value representing a time period for suppressing transmissions by the obeying station (col. 5, lines 22-29).

5. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridgelall (US 6,895,255) in view of Tzeng (US 2005/0122825).

**Regarding claims 4 and 14,** Bridgelall teaches sending a signal to an address.

Bridgelall fails to disclose the address as a PAUSE address in the 802.3 standard, and the address is given as 01-80-C2-00-00-01 in Hexadecimal notation.

However, a PAUSE address with a 01-80-C2-00-00-01 hexadecimal notation is known in the art.

Furthermore, Tzeng discloses a PAUSE address in the 802.3 standard, and the address is given as 01-80-C2-00-00-01 in Hexadecimal notation (page 30, paragraph 335).

In view of this, it would have been obvious to one skilled in the art to include a PAUSE address in the 802.3 standard, in order to pause and further suppress transmission.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schmidl et al. (US 2003/0054827) discloses a wireless communication channel selection using passive interference avoidance techniques\*.

\*Ichikawa (US 5,042,083) discloses a radio communication system having means for avoiding signal collision.

\*Smith et al. (US 4,554,677) discloses a queued community repeater controller.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 8:00 - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rhonda Murphy  
Examiner  
Art Unit 2667

rlm



CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TOLL FREE NUMBER 866-217-9197 11/14/05